

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In Re:

BRAD ERNEST BRYNJOLFSSON

Debtor(s)

Case No. 1:17-bk-06846

Chapter 13

Honorable Janet S. Baer

NOTICE OF MOTION

To: Tyler D. Alfermann
MAYER BROWN LLP
71 South Wacker Drive
Chicago, Illinois 60606

Edward H. Cahill
MANLEY DEAS KOCHALSKI LLC
P.O. Box 165028
Columbus, Ohio 43216

PLEASE TAKE NOTICE that on January 19, 2018 at 9:30 a.m., the undersigned will appear before the Honorable Janet S. Baer at the Kane County Courthouse, 100 South Third Street, Courtroom 619, Chicago, Illinois and will then and there present **JOINT MOTION TO STAY PROCEEDINGS PENDING COMPLETION OF SETTLEMENT NEGOTIATIONS**, a copy of which is hereby served upon you.

CERTIFICATE OF SERVICE

I, Joseph Scott Davidson, an attorney, hereby certify that on January 12, 2018, the foregoing **JOINT MOTION TO STAY PROCEEDINGS PENDING COMPLETION OF SETTLEMENT NEGOTIATIONS** was filed with the Clerk of the Court of the United States Bankruptcy Court for the Northern District of Illinois by using the CM/ECF system. I certify that all participants in this case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

Dated: January 12, 2018

/s/ Joseph Scott Davidson

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JOINT MOTION TO STAY PROCEEDINGS
PENDING COMPLETION OF SETTLEMENT NEGOTIATIONS

NOW COME, BRAD ERNEST BRYNJOLFSSON ("Debtor"), MANLEY DEAS KOCHALSKI, LLC ("MDK"), and WELLS FARGO BANK, N.A. ("Wells Fargo") by and through their attorneys, jointly requesting the Court stay proceedings pending consummation of settlement and settlement negotiations, and in support thereof, stating as follows:

1. On June 22, 2017, the Debtor filed a Motion for the Imposition for Sanctions for the Willful Violation of the Automatic Stay ("Motion").
2. On November 17, 2017, the Court entered a Final Pretrial Order requiring the parties to prepare a Pretrial Statement by January 12, 2018, and setting Debtor's Motion for Trial on January 24, 2018.
3. The parties have reached settlement to resolve Debtor's Motion and are working to reduce this agreement to writing.
4. As part of these talks, Debtor will be submitting a Request for Mortgage Assistance in order to be considered for a loan modification agreement.
5. "The power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its own docket with economy of time and effort for itself,

for counsel, and for litigants.” *LaSala v. Needham & Co., Inc.*, 399 F. Supp. 2d 421, 427 (S.D.N.Y. 2005) (quoting *Landis v. N. Am. Co.*, 299 U.S. 248, 254, 57 S. Ct. 163 (1936)).

6. A stay is appropriate here not only to conserve the parties’ and the Court’s time and resources, but also, significantly, to preserve the terms of the settlement. *See, e.g.*, 13B Charles A. Wright, et al., *Federal Practice & Procedure* § 3533.2 (2009) (“[A] court may stay proceedings if the parties are working towards settlement, or if the parties have agreed but the settlement requires approval by someone else”).

WHEREFORE, the parties request the Court enter a stay of proceedings pending the consummation of their settlement and settlement negotiations.

Dated: January 12, 2018

Respectfully submitted,

/s/ Joseph S. Davidson

/s/ Edward H. Cahill

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